

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAVONE SMITH,

Case No. 2:23-cv-11250
Hon. Sean F. Cox

Plaintiff,

v.

SCOTT WRIGGLESWORTH, ET AL,

Defendants.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN**

Plaintiff Javone Smith is a Michigan prisoner presently incarcerated at the Saginaw Correctional Facility, in Saginaw, Michigan. The pro se complaint names as Defendants Ingham County Sheriff Scott Wrigglesworth and twelve other individuals who are employed by the Ingham County Sheriff's Department and the Ingham County Health Department.

The complaint asserts that in October of 2020, Plaintiff fractured his hand during an altercation at the Ingham County Jail. Plaintiff alleges that the named Defendants were thereafter deliberately

indifferent with respect to medical treatment and post-operative care for his injury.

The determination of the proper venue for a civil action in federal court is generally governed by 28 U.S.C. § 1391. Relevant here, the statute provides that a civil action may be brought in (1) a judicial district in which any defendant resides; or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to *sua sponte* transfer [the] case.” *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

The defendants and events giving rise to the complaint are all located in Ingham County. Ingham County is part of the Western District of Michigan. 28 U.S.C. § 102(b). Because there is no apparent basis for venue to lie in this district, but the facts alleged in the complaint suggest that venue would be proper in the Western District, the Court finds that the interests of justice would be served by transferring the case to the district where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

IT IS ORDERED that this case be transferred to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §1406(a).

It is noted that this Court has not decided whether Plaintiff is entitled to proceed in forma pauperis, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

SO ORDERED.

Dated: June 7, 2023

s/Sean F. Cox
Sean F. Cox
U. S. District Judge